IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 2:02CV447

CIVIL ACTION NO: 3:03CV447

GEORGE BERRY, et al.,)	
Plaintiffs)	
)	
vs.)	ORDER
)	
HILLCREST FOODS, INC. and WAFFLE)	
HOUSE, INC.,)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on the "Sixth Joint Settlement Report" (Document No. 102), filed May 17, 2006 by the plaintiffs – George Berry, Pacino Lindsay, Antijuan Love and Antonia Love – and the defendants – Hillcrest Foods, Inc. and Waffle House, Inc.

On April 19, 2006, this Court stayed the case until May 17, 2006, and directed the parties to file a joint report on the status of settlement. The Court informed the parties that if they were unable to report that settlement had been reached regarding non-monetary relief, the Court would consider lifting the stay and set the matter for a status conference.

The parties filed their sixth settlement report requesting an additional stay without citing with specificity any basis for the request. This case has been pending since September of 2003, and it has been in stayed status since September of 2005. The Court will grant one more stay, up to and including June 30, 2006. If the parties are unable to report that settlement has been reached by that date, the stay will be lifted and the matter will be set for a status hearing.

IT IS, THEREFORE, ORDERED that this action will continue to be STAYED up to and including June 30, 2006. No parties shall be required to file or serve any pleadings, memoranda, disclosures or discovery during such time as this action is stayed. On or before June 30, 2006, the

parties shall jointly report the status of this matter to the Court.

IT IS FURTHER ORDERED that if on June 30, 2006, the parties are unable to report that settlement has been reached regarding non-monetary relief, the stay will be lifted and the matter set for an status hearing.

Signed: June 13, 2006

David C. Keesler

United States Magistrate Judge